

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HENRY L. JOHN,

Plaintiff,

v.

**CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Civil Action No. 12-1292

Judge Arthur J. Schwab

Magistrate Judge Lisa Pupo Lenihan

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on September 7, 2012, and referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act. 28 U.S.C. § 636(b)(1).

The Magistrate Judge's Report and Recommendation (ECF No. 15), filed on June 13, 2013, recommended that the Defendant's Motion for Summary Judgment (ECF No. 10) be denied, that the Plaintiff's Motion for Summary Judgment (ECF No. 8) be denied to the extent that it requests an award of benefits, and that the Plaintiff's Motion for Summary Judgment be granted to the extent that it seeks a vacatur of the decision of the Commissioner of Social Security ("Commissioner"), and a remand for further administrative proceedings. Service was made on all counsel of record. The parties were informed that, under the Magistrate Judges Act, they had fourteen days to file written objections to the Report and Recommendation. 28 U.S.C. § 636(b)(1). No objections have been filed.

After review of the pleadings and documents contained in the record, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd day of July, 2013,

IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment (ECF No. 10) is **DENIED**.

IT IS FURTHER ORDERED that the Plaintiff's Motion for Summary Judgment (ECF No. 8) is **DENIED** to the extent that it requests an immediate award of benefits but **GRANTED** to the extent that it seeks a vacatur of the Commissioner's decision, and a remand for further administrative proceedings.

IT IS FURTHER ORDERED that the Commissioner's decision denying the Plaintiff's applications for disability insurance benefits and supplemental security income benefits is **VACATED**, and that the case is **REMANDED** for further consideration of the Plaintiff's application.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan, dated June 13, 2013, is adopted as the opinion of the Court.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record